



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 22 2005

Mr. Roderick L. Bremby, Secretary
Kansas Department of Health and Environment
Office of the Secretary
1000 S.W. Jackson St., Suite 540
Topeka, Kansas 66612-1368

Dear Mr. Bremby:

The U.S. Environmental Protection Agency (EPA) has completed its review of the 2004 Kansas Section 303(d) List of Impaired Waters, submitted by the Kansas Department of Health & Environment (KDHE) by letter dated April 25, 2005 for review as required under Section 303(d) of the Clean Water Act (CWA). EPA received the submittal on April 27, 2005. The list identifies those water quality limited segments (WQLSs) of the State which are impaired and for which Total Maximum Daily Loads (TMDLs) shall be developed. KDHE has identified on its 2004 303(d) list a total 1,639 impaired waterbody/pollutant pairs.

As Director of the Water, Wetlands, and Pesticides Division, I am charged with the responsibility of reviewing and approving or disapproving state 303(d) lists under Section 303(c) of the CWA. The enclosure to this letter provides a more detailed description of EPA's rationale for approving the list. I am hereby approving the 2004 Kansas 303(d) list for the following provisions.

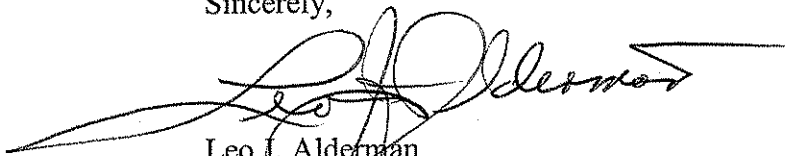
- a total of 1,639 water quality limited segments
- of these 1,639 waterbodies, 877 WQLSs are newly listed in the 2004 cycle year.
- of these 1,639 waterbodies, 127 WQLSs were originally listed in the 1998 cycle year that are carried over to the 2004 cycle year.
- of these 1,639 waterbodies, 635 WQLSs were originally listed in the 2002 cycle year that are carried over to the 2004 cycle year.
- a total of 2,056 waterbody/pollutant pairs that are delisted from the 2004 list. The allocation is as follows:
 1. Recent data indicates compliance with applicable water quality standards – 643 delistings.
 2. EPA approved TMDLs – 1,062 delistings.
 3. Error in applying criterion for non-existent designated use – 15 delistings.
 4. Chronic metal criteria not assessable under high flow conditions – 175 delistings.
 5. Waters that can address their impairments by alternative to TMDLs – 13 delistings.
 6. Category 3 streams – 148 delistings.

Furthermore, 17 monitoring stations which represent 148 streams are deemed as Category 3 waters. EPA considers these waters to be Category 3 waters (EPA defines Category 3 waters as those that have insufficient data and information, to determine, consistent with the State's listing methodology, if any designated use is attained). Section G of the enclosure details more of EPA's action concerning these streams.

I congratulate you and your staff for the completion of the 2004 303(d) list and submission process. The task of putting together this list required a significant amount of staff resources and involves a complex evaluation and assessment of water quality data. We look forward to working with the Department on the development of the 2006 303(d) list.

If you have any questions regarding this matter please contact John DeLashmit, Chief, Water Quality Management Branch, at (913)551-7821 or delashmit.john@epa.gov.

Sincerely,



Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division

cc: Ron Hammerschmidt, KDHE (with enclosure, without tables)
Karl Mueldener, KDHE (with enclosure, without tables)
Tom Stiles, KDHE (with enclosure and tables)
Yvonne Anderson, KDHE (with enclosure, without tables)
John Goodin, EPA Headquarters (with enclosure, without tables)
Robert Adamcik, U.S. Fish and Wildlife Service, Manhattan, Kansas (with enclosure and tables)